

### **REMARKS/ARGUMENTS**

This paper is submitted in response to the Office Action mailed on March 15, 2005. At that time, claims 1-53 were pending in the application. In the Office Action, the Examiner indicated that claims 11, 16-21, 28, 32, 36-40, 44, 47 and 49-53 contained allowable subject matter. At the same time, the Examiner rejected claim 34 as being indefinite under 35 U.S.C. § 112. Claims 1-3, 12-14, 33, and 35 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,224,093 issued to Ochiai et al (hereinafter "Ochiai"). Claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochiai in view of U.S. Patent No. 6,047,987 issued to Cart (hereinafter "Cart"). Claims 4-9, 15, 22-26, 29-31, 41, 42, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochiai in view of U.S. Patent No. 5,059,477 issued to Shiraki (hereinafter "Shiraki"). Claims 10, 27, 31, 43 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochiai in view of Shiraki and in further view of U.S. Patent No. 6,364,345 issued to Lang (hereinafter "Lang"). Claim 48 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ochiai in view of Shiraki and in further view of U.S. Patent Application No. 2001/0054812A1 filed by Sinnhuber (hereinafter "Sinnhuber").

As a result of this paper, claim 34 has been amended. In light of these changes, and the present arguments, allowance of the present application is respectfully requested.

#### **I. Rejection of Claim 34 Under § 112**

The Examiner rejected claim 34 as being indefinite under § 112. As a result of this paper, claim 34 has been amended to address this issue. Specifically, Applicants have adopted the proposed language suggested by the Examiner. Withdrawal of this rejection is respectfully requested.

#### **II. Rejection of Claims 1-3, 12-14, 33, and 35 Under § 102(b)**

Claims 1-3, 12-14, 33, and 35 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ochiai. This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131 (8th ed., May 2004) (*quoting Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Id.* (*quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

In the present case, Ochiai does not anticipate the present rejection because this reference does not disclose all of the recited claim elements. Specifically, independent claim 1 recites “a deployable reaction surface for providing or receiving a reaction force for the airbag cushion when deployed and inflated.” As taught by the specification, this deployable reaction surface provides a reaction force to support the airbag during deployment and allow the airbag to perform its proper function. Contrary to the Examiner’s assertion, Ochiai’s “boss portion 11” does not constitute the “deployable reaction surface” that provides a “reaction force” to the cushion. Rather, the “boss portion 11” is an airbag cover which opens upon deployment and does not provide a support or “reaction force.” As taught by Ochiai:

In contrast, in the present invention, since the upper and lower horizontal connector portions 13, 14 extend linearly between the right and left grip portions 12, 12 with the air bag 20 enclosed by the boss portion 11 and the upper and lower connector portions 13, 14, *the inflated air bag 20 deformed by the load resulted from the bump of the driver thereagainst is supported by the upper and lower extending portions 13, 14, thereby making the air bag perform its function.* When the air bag 20 provided at the handle 10 is fully expanded and the load of the driver is applied to the air bag 20 as shown by an arrow of FIG. 9, it can deform in a required manner, thereby achieving its inherent function.

Ochiai, col. 5, lines 46-58 (italics added for emphasis). Thus, to the extent that Ochiai may be interpreted as disclosing “reaction surface” that provides a “reaction force” to the cushion, the features that constitute this “reaction surface are the connector portions 13, 14. However, these

connector portions 13, 14, are not “deployed,” and thus cannot constitute the claimed “deployable reaction surface.” Rather, Ochiai clearly teaches that the connector portions 13, 14 are permanently fixed to the steering wheel and will not “deploy” when the airbag is inflated.

Thus, it is clear that Ochiai does not disclose a “deployable reaction surface” as is required by independent claim 1. As such, this reference does not anticipate claim 1 under § 102(b). Withdrawal of this rejection is respectfully requested.

With respect to dependent claims 2-3, and 12-14, these claims depend, either directly or indirectly, from claim 1. Accordingly, such dependent claims are similarly allowable over Ochiai for the same reasons that claim 1 is allowable. Withdrawal of these rejections is respectfully requested.

Further, with respect to claims 33 and 35, these claims recite “an airbag cushion, the airbag cushion having an occupant face and a reaction arm portion that extends to abut a vehicular steering wheel, steering column or steering wheel shroud when installed in a vehicle and inflated to provide a reaction surface for the airbag cushion.” Such a claim element is not taught or disclosed by Ochiai. Specifically, the Examiner asserts that Ochiai teaches

an airbag cushion (20c) having an occupant face and a reaction arm portion that extends to abut a vehicular steering wheel (at 13 and 14), steering column or steering wheel shroud when installed in a vehicle and inflated to provide a reaction surface for the airbag cushion

Office Action, p. 3. To the extent that Ochiai teaches a “bag 20c,” the only description given of this element is the bag 20c “a bag 20c is extendably provided on the driving apparatus 20b.” Ochiai, Col. 4, lines 29-30. Thus, while Ochiai may teach a “extendabl[e]” bag 20c,” there is no feature on this bag 20c that (1) “extends to abut a vehicular steering wheel, steering column or steering wheel shroud when installed in a vehicle” **and** (2) is “inflated to provide a reaction surface for the airbag cushion.” Accordingly, this claim element is clearly not disclosed by Ochiai, and this reference cannot be used to anticipate these claims under § 102(b). Withdrawal of this rejection is respectfully requested.

### **III. Rejection of Claims Under § 103(a)**

As noted above, several of the claims were rejected under § 103(a) based upon a combination of Ochiai with one or more additional references. Specifically, claim 34 was rejected under § 103(a) as being unpatentable over Ochiai in view of Cart. Claims 4-9, 15, 22-26, 29-31, 41, 42, and 45 were rejected under § 103(a) as being unpatentable over Ochiai in view of Shiraki. Claims 10, 27, 31, 43 and 46 were rejected under § 103(a) as being unpatentable over Ochiai in view of Shiraki and in further view of Lang (hereinafter “Lang”). Claim 48 was rejected under § 103(a) as being unpatentable over Ochiai in view of Shiraki and in further view of Sinnhuber. These rejections are respectfully traversed.

*Prima facie* obviousness under § 103(a) is established only if the Examiner shows that (1) there is some teaching, suggestion, or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference; (2) there is a reasonable expectation of success; and (3) the prior art teaches or suggests all of the claim elements. MPEP § 2143.03. Applicants respectfully assert that the Examiner has not established *prima facie* obviousness of the rejected claims.

With respect to claims 4-9, 10, 15, and 22-23, these claims all depend from claim 1. Claim 1 recites “a deployable reaction surface for providing or receiving a reaction force for the airbag cushion when deployed and inflated.” As noted above, this claim element is not taught or suggested by Ochiai. Applicants submit that the other referenced used by the Examiner to reject these claims, namely Shiraki and Lang, likewise fail to teach or suggest this claim feature. Accordingly, as the cited references fail to suggest all of the claimed elements, these claims cannot be rejected as *prima facie* obvious in light of these references. Withdrawal of this rejection is respectfully requested.

With respect to claims 24-32 and 41-43, 45, and 47, these claims recite “a deployable reaction surface, wherein the deployable reaction surface deploys from the airbag module upon activation of the airbag module to provide a reaction surface to an inflated airbag cushion.” As described above, such a claim element regarding the “deployable reaction surface” is not taught or suggested by Ochiai. Similarly, Applicants cannot find any teaching of this claim feature in either Shiraki or Lang. Accordingly, such claims are similarly patentable, for reasons similar to those stated above.

Similarly, claim 34 depends from independent claim 33, and thus this claim inherently recites “an airbag cushion, the airbag cushion having an occupant face and a reaction arm portion that extends to abut a vehicular steering wheel, steering column or steering wheel shroud when installed in a vehicle and inflated to provide a reaction surface for the airbag cushion.” Again, as explained above, such a claim feature is not taught by Ochiai. Applicants believe that such a claim feature is also absent from Cart. Accordingly, this claim is likewise patentable.

With respect to claim 48, this claim recites “an airbag cushion, the airbag cushion having a cushion portion that inflates toward a vehicle occupant and two reaction arm portions that extend away from a vehicle occupant to contact a vehicular steering column when installed in a vehicle and inflated, thus allowing the steering column to serve as a reaction surface for the airbag cushion.” Applicants submit, as noted above, the requirement of two “reaction arm portions” that will be inflated is not disclosed by Ochiai or Shiraki. Likewise, there is no disclosure in Ochiai or Shiraki that the reaction arms will contact the steering column (and not just the steering wheel). The further cited reference of Sinnhuber also lacks these claim elements. Accordingly, such a combination of these three references does not render the present claims unpatentable.

#### **IV. Claims 49-53**


The Examiner indicted that claims 49-53 were allowable, but objected to these claims “as being dependent upon a rejected base claim.” However, claim 49 is an independent claim and claims 50-53 depend from claim 49. Accordingly, none of these claims depend from a “rejected base claim.” Instead, Applicants believe that such claims are in a position for immediate allowance.

#### **V. Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

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